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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,738	04/16/2001	Jonathan Baker	10003909-1	5663

7590 09/02/2004

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

NEURAUTER, GEORGE C

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 09/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,738

Applicant(s)

BAKER, JONATHAN

Examiner

George C. Neurauter, Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. Claims 1-20 are pending and have examined.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6 498 656 B1 to Mastie et al.

Regarding claim 1, Mastie discloses a method for optimizing output device utilization on a network including at least one output device (referred to throughout the reference as "printer"), the method comprising:

(a) tracking utilization information ("status information" or "characteristics") for each output device (column 2, line 42-column 3, line 35, specifically column 2, lines 45-46); (b) analyzing the utilization information for optimization opportunities (column 8, line 63-column 9, line 5); and (c) configuring the network to exploit the optimization opportunities (column 2, line 42-column 3, line 35, specifically column 3, lines 6-35, specifically "insuring that queues are not over or under-utilized" or "minimizing network traffic")

Regarding claim 2, Mastie discloses the method of claim 1 wherein tracking utilization information includes:

(a) periodically retrieving the utilization information; and (b) archiving the retrieved utilization information. (column 2, lines 44-47)

Regarding claim 3, Mastie discloses the method of claim 1 wherein tracking utilization information includes tracking utilization information selectively from network print clients, network print servers and network output devices. (column 1, lines 30-32; column 8, line 63-column 9, line 5)

Regarding claim 4, Mastie discloses the method of claim 1 wherein analyzing the utilization information includes searching selectively for underused and overused output devices. (column 2, line 42-column 3, line 35, specifically column 3, lines 6-35, specifically "insuring that queues are not over or under-utilized")

Regarding claim 5, Mastie discloses the method of claim 1 wherein analyzing the utilization information for optimization opportunities includes applying rules to the utilization information. (column 2, line 42-column 3, line 35, specifically column 2, lines 46-49 and column 2, line 63-column 3, line 35)

Regarding claim 6, Mastie discloses the method of claim 5 wherein applying rules to the utilization information includes selectively optimizing for lowest cost, highest quality, soonest output and output closest to an originating print client. (column 2, line 42-column 3, line 35, specifically column 3, lines 6-35, specifically "insuring that queues are not over or under-utilized" and "minimizing network traffic"; column 8, lines 50-56)

Regarding claim 7, Mastie discloses the method of claim 1 wherein configuring the network includes selectively configuring network print clients, network print servers and network output devices. (column 2, line 42-column 3, line 35, specifically column 3, lines 6-35, specifically "insuring that queues are not over or under-utilized" or "minimizing network traffic")

Claims 8-14 are also rejected since claim 8-14 recite a system that contains substantially the same limitations as recited in claims 1-7 respectively.

Claims 15-20 are also rejected since claims 15-20 recite a program storage device that contains substantially the same limitations as recited in claims 1-5 and 7 respectively.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US Patent 5 742 587 A to Zornig et al;

US Patent 5 917 615 A to Reifman et al;

US Patent 6 573 910 B1 to Duke et al;

US Patent 6 724 494 B1 to Danknick;

US Patent Application Publication 2002/0078183 to HELMS.

NOTE: Effective 29 October 2004, the examiner will be moving to a new office location and may be reached at 571-272-3918.

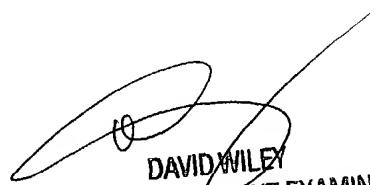
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is 703-305-4565. The examiner can normally be reached on Thursday 1-2pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

gcn



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100